

1           A     I have no reason to believe either way.

2           Q     Okay. Let's look at the application itself. Is  
3 this the application that you sent to John Black and had him  
4 prepare?

5           A     No. No.

6                   JUDGE STEINBERG: I think you want to ask is this  
7 an application that resulted from his submission of the name  
8 and address to John Black.

9                   MS. LANCASTER: Right.

10                  BY MS. LANCASTER:

11           Q     Did you ask John Black to prepare an application  
12 in the name of Norma Sumpter --

13           A     Correct.

14           Q     -- in June of 1996?

15           A     Correct.

16           Q     Okay. And this is the application that you got  
17 back as a result of that request to John Black; is that  
18 correct?

19           A     Yes.

20           Q     And when you got it back it was all completed  
21 except for the signatures?

22           A     No. On page 8, there were some changes made by  
23 somebody, either PCIA or John Black or somebody. I don't  
24 know what those --

25           Q     Those 60s, those handwritten notations?

1 A Yes.

2 Q Did you make those?

3 A No.

4 JUDGE STEINBERG: You're referring to page 8?

5 THE WITNESS: Referring to page 8.

6 BY MS. LANCASTER:

7 Q Were they there when you got this application back  
8 from John Black?

9 A No.

10 Q Okay. So they would have been put on there after  
11 it left your custody but prior to receipt by the FCC, or do  
12 you know?

13 A I do not know.

14 Q Okay. Was this application completed when you  
15 first went to ask Norma if she wanted to fill out a -- to  
16 obtain an FCC license back in 1996?

17 A No.

18 Q All right. Explain to me when you approached  
19 Norma about applying for an FCC license.

20 A The Sumpters --

21 JUDGE STEINBERG: Why don't we say "this one"?

22 MS. LANCASTER: In 1996. I'm sorry.

23 JUDGE STEINBERG: That resulted in this.

24 MS. LANCASTER: Okay.

25 JUDGE STEINBERG: Because when you say "an FCC

1 license," we've got three others in here.

2 MS. LANCASTER: I stand corrected. You are  
3 correct, Your Honor.

4 BY MS. LANCASTER:

5 Q Tell me when you approached Norma about applying  
6 for a license that resulted in this application.

7 A When you --

8 MR. ROMNEY: Could we ask the record to reflect  
9 that that's Exhibit 41?

10 JUDGE STEINBERG: Sure.

11 MR. ROMNEY: Thank you.

12 THE WITNESS: You remember back when we talked  
13 about the 800 leading into the T-band where they were  
14 familiar with the radio communications and everything.

15 The Sumpters knew that we -- that we had a big  
16 project coming up because they are always notified of all  
17 large purchases, repeaters and everything else, and the  
18 future of our business. Jim and Norma knew this well in  
19 advance what - how our company does because Jim has provided  
20 us financial guidance all along for years and years.

21 They knew we were doing or heading this way, and  
22 we knew that they had -- that we were going to need  
23 frequencies there because with the one license we needed to  
24 some licenses in the Allen area.

25 Pat had asked Norma would they be interested, the

1 first sign, would you all be interested, you and Jim. And  
2 the indication was yes, definitely.

3 BY MS. LANCASTER:

4 Q When did Pat have that conversation with Norma?

5 A Around the first part of '96, either February,  
6 along through there, maybe even March. It was the spring of  
7 '96.

8 Q Were you present during that conversation?

9 A It was a call on the telephone, and talked with  
10 her, and also, whenever we take a business, we drop business  
11 off there, company business, once a month, and probably pick  
12 up business, finished business the end of that month or  
13 close to that period of time. We visited with them at their  
14 office, either myself or her. Sometimes I stayed in the car  
15 and just let her run up and drop it off, Pat.

16 JUDGE STEINBERG: Her, Pat?

17 THE WITNESS: Yeah, Pat. Drop it off, and then we  
18 were gone because they live approximately, oh, four or five,  
19 maybe six miles from us theirselves, and their office was  
20 right in their close to where they live, Sumpter's office  
21 was.

22 And they also personally visit, Norma and the  
23 girls visit with Pat almost on every -- every Saturday or so  
24 almost all the time.

25 BY MS. LANCASTER:

1           Q     But this initial conversation that you said  
2     occurred between Pat and Norma where Pat asked Norma if she  
3     was interested in becoming a licensee occurred in early  
4     1996; is that --

5           A     For this license.

6           Q     For this license.

7           JUDGE STEINBERG:   Exhibit 41.

8           THE WITNESS:   Forty-one, yes.

9           MS. LANCASTER:   Correct.

10          BY MS. LANCASTER:

11          Q     Do you know where that conversation occurred?

12          A     Well, it would have to be one of two places.

13          JUDGE STEINBERG:   No.   Do you know?

14          THE WITNESS:   No.

15          MS. LANCASTER:   Okay.

16          BY MS. LANCASTER:

17          Q     How did you learn about that conversation?

18          A     Pat talked with me about it.

19          Q     Okay.   And what did she tell you?

20          A     That Norma said that they would be interested in  
21     it and she would cover it with Jim.   Then I think in the  
22     latter period of time, either coming from Norma or from the  
23     conversations, that would the girls be interested, or the  
24     girls would be interested.

25          JUDGE STEINBERG:   Well, let's stick with Norma.

1 THE WITNESS: Okay.

2 BY MS. LANCASTER:

3 Q Did you ever have occasion to then discuss with  
4 Norma whether or not she wanted to become a licensee during  
5 this -- subsequent to this conversation your wife had with  
6 her? In 1996, I'm talking about. I'm not talking about the  
7 old licenses now.

8 A Mm-hmm.

9 Q We're talking only about the 1996 --

10 A Uh-huh.

11 Q -- application. Did you have an opportunity to  
12 discuss with Norma whether she wanted to become a licensee?

13 A Yes, I did.

14 Q And when did that first conversation occur?

15 A Probably about a week or so after that, or when  
16 the time we either picked up some equipment -- I mean, some  
17 of the invoices and stuff that we do, that they work for us  
18 on their accounting; some period of time in there.

19 I probably went in the office there, and it was a  
20 period of time right after that.

21 Q Okay. Do you know where the conversation  
22 occurred?

23 A It was in Jim Sumpter's office -- in Jim Sumpter's  
24 office with Norma at her front desk.

25 Q Okay. Which is kind of a reception area?

1           A     It's a reception.

2           Q     Okay. And can you relay that conversation to us?

3           A     I'm going by what I visualize, you know, you  
4 indicated that you would like to, and she said yes. And I'm  
5 trying to remember, something about this would give us a  
6 chance to repay the debt that they had on the other phone  
7 system, but I'm going by what I visualize or remember.

8           Q     Well, explain to me what you mean "this would  
9 repay the debt on the other phone system." What debt and  
10 what phone system?

11          A     The money that they did not pay on the 800 and the  
12 mobile equipment that we furnished them and they used free.

13               JUDGE STEINBERG: Did you -- I'm a little  
14 confused. Did you say that Norma, if you applied, this will  
15 give you an opportunity to repay the debt, or did she say,  
16 yeah, I'm interested and this will give us the opportunity  
17 to repay you?

18               THE WITNESS: That that --

19               JUDGE STEINBERG: I mean, it came from her?

20               THE WITNESS: It came from her; yes, sir.

21               JUDGE STEINBERG: Why didn't -- I mean, they owed  
22 you money and presumably he didn't give you accounting  
23 services for free, did he?

24               THE WITNESS: No, sir.

25               JUDGE STEINBERG: Why didn't you take the money

1     that he owed you out of the money you owed him and net it  
2     out? My own accounting phrasing.

3             THE WITNESS: Our accountant tells us that's not  
4     legal. That what our accountant says. But this was an  
5     extremely friendly association, Your Honor. Whenever --  
6     these sister was close as you can possibly be. No one, and  
7     Pat would never pressure Norma to pay that bill. And doing  
8     that, knowing that she would never get the money from Jim  
9     without a horrible situation, so they let it ride.

10            We worked with Norma, we did a lot of things with  
11     them that, you know, in between times they were working a  
12     different assignment. They stayed there on -- we didn't  
13     subsidize them, but we helped them get through some times  
14     ourselves.

15            BY MS. LANCASTER:

16            Q     Mr. Brasher, was Jim and/or Norma, any of the  
17     Sumpters, actually receive a bill for the \$1400?

18            A     There is a copy -- I know in my files, in their  
19     accounting codes and everything else, I assume they got the  
20     bill because I've seen the ticket made out, and the ticket  
21     signed by one of the Sumpters.

22            Q     Did you provide a copy of that to the FCC?

23            A     It probably -- with all that detail and that stack  
24     of stuff, you know, we sent, we probably did, Judy.

25            Q     Do you know whether you provided a copy of that?



1           A     I couldn't swear on it.

2           Q     Okay. And you stated that they also were billed  
3 for the time that they used the radio, the air time?

4           A     Yes. That was furnished to FCC.

5           Q     Okay. And how much was that bill?

6           A     It was 90 some odd dollars a month for about seven  
7 or eight months, and then it was sold. And then Jim in his  
8 testimony also brought up that he was on the system, and  
9 then he got billed from Net Wave or Net Fleetcall because he  
10 used their air time, and he paid it, paid that part. That's  
11 in part of his declaration.

12          Q     Now, this would have been use of the phone, the  
13 old 800 trunking system then?

14          A     Yes. Yes.

15          Q     So this bill had been incurred back in 1987 --

16          A     '89, along through there.

17          Q     -- '89, because you sold that system to Fleetcall  
18 back in 1989, I believe you testified?

19          A     Yes. Yes.

20          Q     Okay. So for all that time since 1989, until it's  
21 now 1996, you're saying that there was an outstanding bill  
22 for approximately -- the \$1400 was included in the bill?

23          A     I don't -- off the top of my head, I wouldn't know  
24 that.

25          Q     Do you recall the amount of the air time bill?

1           A     There were 90 some odd dollars for about -- about  
2     three or four hundred dollars on a bill that was sent to  
3     them.

4                     Now, the other part, I don't know if it was sent  
5     to them, the cost of the radio. But I do have a -- I do  
6     know there is a ticket made.

7           Q     Okay, so there was a bill for air time of  
8     approximately \$400?

9           A     Yes, ma'am.

10          Q     And that there was another outstanding balance for  
11     radio of \$1400?

12          A     Yes, ma'am.

13          Q     And both of those amounts, your testimony is, had  
14     been owed to DLB and/or Metroplex by the Sumpters since some  
15     time before 1989?

16          A     Correct.

17          Q     Okay.

18          A     Well, no. During that period of time, 1989, and  
19     the changing out of radios and everything else, I don't know  
20     exact date, but '89, '90, something along there, when they  
21     had the -- the old bill was for the 800. The new bill for  
22     the radio was on the 900. So it's in the nineties, through  
23     there, Judy.

24          Q     Okay. So my understanding of your testimony is,  
25     and you correct me if I misstate this, that you went to

1 Jim's office some time after Norma had a conversation with  
2 Pat.

3 A Correct.

4 Q You went to Jim's office and Norma reiterated to  
5 you that she was interested in becoming a licensee, and she  
6 told you that she thought that by becoming a licensee she  
7 would somehow be able to pay you monies that they owed you?

8 A Reimburse us in some way, yes.

9 Q And by monies that she owed you, you would be  
10 talking about these monies that you were just talking about,  
11 approximately \$400 of air time and perhaps the radio. You  
12 don't know for sure whether or not the radio was billed.

13 A She knew the radio was, and she knew what the cost  
14 of the -- I mean, the invoice was, but she didn't -- I know  
15 if she ever got the invoice. I know she knows it.

16 Q Okay.

17 A I think that Norma knows that they used air time,  
18 you know, beyond that part that we didn't even bill them.  
19 We just gave up processing the bill on the 800 system. But  
20 you know, we took the phone out of their, their car, and it  
21 was -- it was a little bit more than that, and Norma kind of  
22 indicated, you know, that's what -- they wanted to clear  
23 that, that debt; not obligation, but that air, clear that  
24 air of the radio back bills.

25 Q Okay. So she --

1           A     She wanted to kind of level the sheets, you know.

2           Q     So she felt that by applying for a license, that  
3 would be paying you back for use of the radio and use of  
4 your equipment.

5                     After she agreed to do that, what did you do then?

6           A     We didn't -- we didn't force the issue anymore.  
7 If she wanted to, that was just her way of saying yes, you  
8 know, that would give her an opportunity.

9                     Norma does not like to cause any kind of problems,  
10 and she would never -- if she can do whatever she can to  
11 make things good and not get in trouble, she would -- in  
12 trouble from Jim -- she would, she would work that that-  
13 away.

14          Q     Okay. What did you do after you had this  
15 conversation with Norma?

16          A     We just left.

17          Q     Did you immediately contact John Black and tell  
18 him that you wanted him to prepare an application for Norma  
19 Sumpter?

20          A     No.

21          Q     Did you talk to Jim Sumpter to see if the was also  
22 interested in becoming a licensee?

23          A     No. Pat had talked with Norma. Norma had  
24 indicated that Jim Sumpter would be, and she also asked if  
25 Melissa and Jennifer would be, and Norma said that they, you

1 know, would need to talk to Jennifer Hill because she was  
2 not there, but they would be interested.

3 Q Okay. And this conversation occurred in the early  
4 part of 1996, approximately a week or so after Pat had first  
5 approached Norma?

6 A In that period of time.

7 Q Right.

8 A Yeah. I couldn't be exact of what -- you know,  
9 how many days or anything like that, Judy.

10 Q When did you decide to actually have licenses  
11 prepared in the Sumpters' names? License applications, I'm  
12 sorry.

13 A When did we decide?

14 Q Yeah.

15 A After they agreed that that was fine.

16 Q Okay. And when did you contact John Black and ask  
17 him to do that?

18 A There is a list of names we put on and sent to  
19 John Black, and I would have to to -- it is in the  
20 documentation that we furnished to FCC way back there.

21 Q Is that the list that we looked at earlier?

22 A It's that part of the list. If we can go to that,  
23 I can show you what that list looked like.

24 Q If you would turn to Exhibit 66.

25 A Sixty-six.

1 JUDGE STEINBERG: And then after we do this, let's  
2 take a break.

3 MS. LANCASTER: Okay.

4 THE WITNESS: Oh, thank you, sir.

5 JUDGE STEINBERG: Do you want to take one now?

6 THE WITNESS: No, we're doing --

7 (Pause.)

8 BY MS. LANCASTER:

9 Q So 66 is the list that you prepared of all the  
10 names and you sent it to John Black and told him that you  
11 wanted license applications prepared for each of the people  
12 listed, each of the name listed on this list; is that  
13 correct?

14 A That's incorrect.

15 Q Okay.

16 JUDGE STEINBERG: Forget about the handwritten  
17 Metroplex.

18 Now is it correct?

19 THE WITNESS: No. And the numbers along the side  
20 and below.

21 JUDGE STEINBERG: Okay. So you prepared --

22 THE WITNESS: These two pages.

23 JUDGE STEINBERG: -- Exhibit 66, page 1 and 2, the  
24 typewritten parts?

25 THE WITNESS: Yes, sir.

1 JUDGE STEINBERG: That's the only thing we're  
2 concerned with?

3 THE WITNESS: Yes, sir.

4 BY MS. LANCASTER:

5 Q When was this sent to John Black?

6 A Judy, I know there is a cover letter that had to  
7 go to John Black, and in our file somewheres we have that --  
8 the cover letter and everything else that went with this.  
9 It's stuff we furnished you in our declaration way back in  
10 1998 or '90 -- something along through there. We didn't  
11 furnish you, we furnished the agency.

12 Q You're saying it was part of your declaration?

13 A Yes, ma'am.

14 Q Let me find your declaration. Hold on.

15 JUDGE STEINBERG: That's in Exhibit 19. Is that  
16 what this giant book is?

17 THE WITNESS: Yes, sir. It's in there someplace  
18 because I know we sent that.

19 MS. LANCASTER: Okay.

20 THE WITNESS: And it should have a fax on the  
21 front with a date on it.

22 MS. LANCASTER: Okay.

23 THE WITNESS: It should have, Judy.

24 BY MS. LANCASTER:

25 Q And the date that's on that fax cover is going to

1 be whatever the date is that you sent it to John Black?

2 A Yes.

3 Q Okay. Approximately how long did it take for John  
4 Black to complete the application for Norma and send it back  
5 to you?

6 A I have -- at this time with not studying it, I  
7 wouldn't have the slightest idea, Judy.

8 Q But at some point you received it back from John  
9 Black?

10 A They probably had questions about it, and yes, we  
11 received them back because we probably -- not necessarily  
12 had questions. A lots of times we send things off. John  
13 gives us a call back. You know, we kind of work out  
14 whatever happened -- have a question or something. Nothing  
15 ever -- everything doesn't go just there and then come right  
16 back. There is usually, well, what about this; do we  
17 need -- you know, certain questions that we always have.

18 Q Okay. Did you receive all of the 1996  
19 applications? And do you understand what I mean by 1996  
20 applications?

21 The applications that were submitted on behalf of  
22 O. C., Ruth, Jim, Norma, Jennifer, Melissa and Sue or  
23 Carolyn Lutz.

24 Were all of those sent back to you at the same  
25 time from John Black?



1           A     I do not know. I know we had them -- got them all  
2 back, but I don't know if they were all sent back at the  
3 same time.

4           Q     Okay. And did he mail those applications back to  
5 you?

6           A     He mailed them back to us. Yes, he mailed them  
7 back to us.

8           Q     Okay.

9           A     With the client's copy also.

10          Q     All right, after you got Norma, you got Norma and  
11 Jim and Melissa and Jennifer, did you get them all at the  
12 same time?

13          A     I don't know. It could have been in two or three  
14 packages coming because sometimes what John does, he works  
15 on a few, sends them, then works on a few more, and then  
16 send them. That's the way he's done other things.

17          Q     Okay. Did you have --

18                MS. LANCASTER: I'm sorry. Okay.

19                JUDGE STEINBERG: Okay, let's take -- come back at  
20 a quarter to three.

21                (Whereupon, a recess was taken.)

22                BY MS. LANCASTER:

23          Q     Mr. Brasher, at some point you received the copies  
24 back for the Sumpter applications. You received them back  
25 from John Black, and you presented them to the Sumpter.

1 Can you tell us how that -- how you presented  
2 them? How did that occur?

3 A Once we got the applications in, and Pat contacted  
4 Norma and told them they were there for them to review and  
5 sign, and can we come by and visit with you.

6 Q Okay. And what were you told?

7 A To come by, and I don't -- I have to try to  
8 remember the dates, but told us to come by, bring the  
9 applications. And we come by and visited, and we had some  
10 stuff to carry in there with us, and we went there.

11 Q You went where?

12 A To Jim Sumpter's accounting firm.

13 Q Okay. And do you recall the date that you did  
14 that?

15 A Approximately, and I think it was about the first  
16 part or middle -- not the middle part, but in June the 10th,  
17 11th, or 12th, along through there.

18 Q Okay. Of 1996?

19 A 1996.

20 Q Okay. So you went there with who? Just yourself  
21 or did somebody go with you?

22 A Pat and I both.

23 Q Okay. And what happened after you got there?

24 A We were there and we showed Norma -- are we only  
25 going to talk about Norma's or are we going to talk about --

1           Q     You can go ahead and tell me what happened  
2 relating to any of the applications you had with you.

3           A     Okay. We had four applications and four client  
4 copies together.

5           Q     Now what is a client copy?

6           A     The client copy is a copy in which the client  
7 needs to keep where they know everything that really goes  
8 into the FCC, or PCIA.

9           Q     Okay.

10          A     And it's stamped "Client Copy."

11          Q     They are stamped "Client Copy"?

12          A     Yes, ma'am.

13          Q     You stamped it?

14          A     No, it's stamped by Spectrum.

15          Q     Okay. So when you send off an application -- you  
16 send off information for John Black at Spectrum to fill out  
17 the application and send it back, he sends you back the  
18 application that is to be signed and sent into the FCC and  
19 also a copy of that application that's got a stamp on it  
20 that says "Client Copy"?

21          A     That's correct.

22          Q     Okay. All right, go ahead.

23                JUDGE STEINBERG: When you said you went to the  
24 Sumpters' accounting with four applications, do you mean you  
25 had Jim, Jim Sumpter's, Norma Sumpter's, Jennifer Hill and

1 Melissa Sumpter's?

2 THE WITNESS: That's correct, Your Honor. And  
3 four --

4 JUDGE STEINBERG: Client copies.

5 THE WITNESS: -- client copies also. The original  
6 copies are all with little stick-ups that says "sign here"  
7 and on each place that they need to sign, and they are kind  
8 of yellow and it sticks out there where the name and  
9 everything goes.

10 BY MS. LANCASTER:

11 Q All right, do you get them with those little  
12 stickers on them, do they come to you that way from John  
13 Black?

14 A That's correct.

15 Q Okay.

16 JUDGE STEINBERG: Could you move your microphone  
17 closer to you?

18 THE WITNESS: Oh, I'm sorry.

19 JUDGE STEINBERG: That's okay.

20 MS. LANCASTER: Or just talk a little louder, Mr.  
21 Sumpter.

22 THE WITNESS: Yeah, okay.

23 JUDGE STEINBERG: Brasher.

24 MS. LANCASTER: Mr. Brasher. I'm sorry. Brasher.

25 THE WITNESS: Brasher. You said it right the

1 first day.

2 JUDGE STEINBERG: I know. The first time I saw  
3 it.

4 BY MS. LANCASTER:

5 Q Okay, go ahead. So you go in and you've got the  
6 four original copies and you've got the four client copies.

7 A Correct.

8 Q And you go to Jim's office, and you see -- who do  
9 you see first?

10 A No. We go to Jim's accounting firm, and then up  
11 on the reception is Norma.

12 Q Okay.

13 A And there we -- Norma knew we was coming, and we  
14 had the copies -- we opened the package up and had them  
15 there for Norma to look at. And I showed them, you know,  
16 where to sign and everything.

17 Norma then took them in to see Jim, and they have  
18 a door, a little office in there, and also at one end of the  
19 room is a table that most of the time that's where -- that's  
20 where we sit once we go visit him on business thing.

21 So we could see that Norma had in front of Jim the  
22 applications. And you could see movement and stuff like  
23 that. We couldn't hear what was said or anything.

24 Q You're still in the reception areas?

25 A We're still in the reception area.

1           Q     Now, when you say you could see in, was the door  
2 open?

3           A     It was open.

4           Q     You are seeing through the open door?

5           A     Yes.

6           Q     And you saw Norma present the applications to Jim?

7           A     Correct.

8           Q     And is it -- are you now saying that you saw Jim  
9 sign applications?

10          A     No.

11          Q     Okay.

12          A     I did not say that.

13          Q     When you said you saw movement and you did your  
14 hand in kind of a handwriting --

15          A     No, likely -- Jim always keep a pencil in his hand  
16 and he was -- or a fountain pen, but he was moving paper  
17 around and Norma was moving paper around. But that ended  
18 pretty -- I guess, after a few minutes. And then Norma  
19 waved us in and we went over to the table that's in the  
20 other room with our other business, and that's when Norma  
21 came over there, and spoke with us momentarily, and then Jim  
22 came over.

23          Q     Okay. So you went up there that day not only to  
24 get the applications signed, but also you had DLB and/or  
25 Metroplex business that you needed to conduct with them?

1           A     Correct. Try to kill two birds at one time, you  
2     know. Do the business and everything else, and then that's  
3     part of the business, so you know.

4           Q     When you went over to the little table in Jim's  
5     office and Jim and Norma both came over to the table, did  
6     they bring the applications over to the table also?

7           A     No.

8           Q     Okay. The applications remained on Jim's desk?

9           A     Correct.

10          Q     Did you have any conversation with Jim at that  
11     time regarding the applications?

12          A     He never brought it up and we didn't either. When  
13     we finished up the business, we went outside, and that's  
14     when Norma told us that we would have the kids over either  
15     on a Sunday, see them Sunday night or Wednesday. They would  
16     go to church then, all go together. And since three of them  
17     lived at the same place, and the other one, they all -- we  
18     went to church together, so they would have Jennifer or  
19     Melissa at that time sign, you know, have them sign.

20          Q     Okay. Did you have any other conversations with  
21     Norma regarding the applications, what you wanted her to do,  
22     when you were going to pick them up; any conversation with  
23     them?

24          A     Yes, we did. We showed Norma where the signature  
25     was and we asked her to please sign the copies of the

1 client's copy and make us a copy ourselves. Client copy for  
2 them, one for us, and then, you know, the license would be  
3 also signed.

4 Q Okay, why not just make a copy of the original  
5 after it's signed?

6 A Because the client copy is this one that you would  
7 want to keep, and that's what they were for, that's what  
8 John Black makes them for, to keep -- you know, you don't  
9 have to make a copy. But they needed their client copy and  
10 I wanted a copy myself.

11 Q They have a copy machine, right?

12 A Yes, they have a copy machine.

13 Q So how long did you spend at Jim and -- at Jim's  
14 office that day?

15 A Oh, probably 20 - 30 minutes maybe. That's  
16 generally the run of time. I couldn't tell you exactly the  
17 amount of time. It could be a little quicker. It could be  
18 a little longer.

19 Q Okay.

20 A But generally we spend about that much time with  
21 them.

22 Q And as I understand it, you never discussed the  
23 applications with Jim --

24 A No.

25 Q -- that day?



1           A     No, he never brought it up and we didn't.

2           Q     Okay.

3           A     Because we assumed with Norma talking with him at  
4     this table that that was pretty well -- and you know, if he  
5     had a question, he would have asked us.

6           Q     All right. After you left, at any time subsequent  
7     to that when was the next time that you had a conversation  
8     with any of the Sumpters regarding these applications?

9           A     I think Norma called Pat and said they were ready,  
10    and I don't exactly know. That could have been -- could  
11    have been the day of the 18th, or 17th, or something like  
12    that. I don't know. But Norma called, said the  
13    applications were ready.

14          Q     Okay.

15          A     Called Pat on the telephone.

16                JUDGE STEINBERG: And how do you know that?

17                THE WITNESS: Pat told me. She told me the  
18    applications were ready.

19                BY MS. LANCASTER:

20          Q     And as a result of this phone call from Norma to  
21    Pat, did you do anything? Did yo go back and pick them up?

22          A     Oh, oh, what happened after that?

23          Q     Right.

24          A     We did go to Sumpter's accounting officers, and  
25    went in, and the applications were in one envelope. I'm

1     trying to remember if the client copy is in the same  
2     envelope or another envelope because there were two  
3     envelopes when we got there, I mean, delivered.

4             And I thumbed through to, you know, verify that  
5     the signatures were signed. And then I noticed that the  
6     client copies were not signed. And then we put the signed,  
7     I mean the original applications into an envelope to be  
8     mailed, I mean, a package to be mailed, or FedEx, I don't  
9     remember which we did or was done.

10            Then we -- I said, you know, "Norma, we need the  
11     copies here."

12            "Well, we'll be over Saturday," and it was a  
13     scheduled time, schedule for them is almost every weekend or  
14     every other weekend to come by and see Pat.

15            Jennifer was interested because I was working on a  
16     kitchen -- we had a kitchen table. We had bought a new  
17     kitchen table and I repaired this one for her to be used in  
18     her home, and after she got married, and they were  
19     interested in seeing the progress on that table and chairs.  
20     So you know, they had kind of a dual reason to come by.

21            JUDGE STEINBERG: When you went to the Sumpter's  
22     accounting office to pick up the original applications, I  
23     think you said you put those into an envelope?

24            THE WITNESS: Yes, sir.

25            JUDGE STEINBERG: And either mailed them or

1       FedExed them or something?

2               THE WITNESS:   Yes, sir.

3               JUDGE STEINBERG:   That same day?

4               THE WITNESS:   That same day.

5               JUDGE STEINBERG:   Did you leave it in the office,  
6       in the Sumpter office and FedEx would pick it up from them  
7       or did you physically take it down to FedEx?

8               THE WITNESS:   We physically took it there because  
9       we're only -- from there about three blocks from the  
10       FedEx or the post office.

11              JUDGE STEINBERG:   Okay.   So it's one or the other?

12              THE WITNESS:   Yes, sir.

13              JUDGE STEINBERG:   You don't remember what you did?

14              THE WITNESS:   No, sir.

15              BY MS. LANCASTER:

16              Q       Okay, so as I understand it, you went back to pick  
17       them up.   Now, when you went back were you by yourself or  
18       was Pat with you?

19              A       Pat was with me.

20              Q       Okay.   And did you also conduct other business  
21       that day when you went back?

22              A       We probably picked up some of our business that  
23       we had dropped off, some of the stuff they were working on.

24              Q       Do you recall?

25              A       Ma'am?

1           A     Do you recall whether or not you did other  
2 business that day?

3           A     If we did, we only picked up. We didn't do any  
4 kind of talking about business. You know, they may have  
5 some statements ready for us to bring back. They may have  
6 already done the payroll. Generally, some kind of business  
7 that we --

8           Q     Okay, but my question to you, Mr. Brasher, is do  
9 you actually remember whether or not there was any other  
10 business conducted that day?

11          A     I couldn't swear to it. I would say I don't know.

12          Q     Okay.

13          A     But generally we do.

14          Q     It would not have been unusual for there to have  
15 been some other business, but you don't remember one way or  
16 another?

17          A     No. No.

18          Q     Okay. How long were you in the office that day  
19 when you went back?

20          A     Probably about 15 minutes; no more.

21          Q     Okay. And during that 15-minute time period, it's  
22 my understanding you simply picked up, you go the  
23 applications back from Norma?

24          A     From Norma.

25          Q     Okay. Norma had them. Did you even see Jim that

1 day?

2 A Jim, I don't believe was even there. The door was  
3 closed, but I don't believe Jim was there.

4 Q Okay.

5 A I do not believe -- I do not believe -- I do not,  
6 but I know the door was closed.

7 Q You didn't see Jennifer or Melissa that day, did  
8 you?

9 A No.

10 Q Okay. And you had not seen them the first time  
11 that you --

12 A No.

13 Q -- took the applications, right?

14 A No.

15 Q So the only person you talked to that day was  
16 Norma. And it's my understanding is -- did she hand you all  
17 eight documents -- by eight I mean the four client copies  
18 and the four originals -- did she just hand them all back to  
19 you in one stack?

20 A No, I think they were in two different envelopes.

21 Q Okay.

22 A I'm trying to remember, and I am almost sure there  
23 was two envelopes.

24 Q Okay. And you took all of those documents out of  
25 the envelopes?